

# TRIAL TRANSCRIPT AUGUST 20, 2025

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Richard Seeborg, Judge

ANIBAL RODRIGUEZ, et al., )  
individually and on behalf of )  
all others similarly situated, )

Plaintiffs, )

VS. )

GOOGLE LLC, )

Defendant. )

NO. 3:20-CV-04688 RS

San Francisco, California  
Wednesday, August 20, 2025

**TRANSCRIPT OF JURY TRIAL PROCEEDINGS**

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CSR No. 7445, Official United States Reporter

1 I remember we restructured, actually, the way this page  
2 looks a little bit, adding things like icons that help users  
3 better understand what products are part of Web & App Activity.

4 We launched an FAQ that we added so that users could even  
5 submit questions, if they had, up at the top of the Web & App  
6 Activity page.

7 So we've done a lot of these little changes to try to help  
8 users.

9 Q. Is it your opinion that the changes you've made have  
10 resulted in a perfect disclosure that's perfectly clear to  
11 every user?

12 A. I think with 3 billion users, unfortunately, there's  
13 probably no such thing as perfect, but we do our best.

14 Q. Now, how long have you been in charge of WAA?

15 A. I've been in charge of WAA since -- I think 2013 is when I  
16 started leading the Footprints Team.

17 Q. That's 12 years?

18 A. Correct.

19 Q. In the 12 years that you have been in charge of Web & App  
20 Activity, has anyone ever raised a concern with you that  
21 Web & App Activity should control Google's collection of  
22 de-identified data?

23 A. No. Until this case, I had never heard that concern  
24 raised in the past.

25 Q. Has anyone raised a concern with you in those 12 years

1 that the Web & App Activity control should apply to  
2 de-identified data that comes from Google Analytics?

3 **A.** No.

4 **Q.** When people have raised concerns with you at Google,  
5 inside of Google, about how the Web & App Activity button  
6 should work and whether it's confusing to users, what sorts of  
7 concerns do they bring to you?

8 **A.** Almost always the question about Web & App Activity is  
9 about if data should or shouldn't be saved to the user's  
10 Google Account. The concern is -- like we saw from some of the  
11 discussions with Chris yesterday, concerns are often about when  
12 the setting is off, should data be saved against an account for  
13 different purposes.

14 **Q.** Now, we saw an email yesterday from Mr. Chris Ruemmler.  
15 You know him?

16 **A.** Yes, I do.

17 **Q.** Have you -- is that the only email you've exchanged with  
18 him?

19 **A.** I've exchanged many emails about many different topics  
20 with Chris. Our two roles at the time would bump into each  
21 other a lot. We work in similar areas.

22 **Q.** And you've discussed Web & App Activity with him on more  
23 than one occasion. Is that what you're saying?

24 **A.** Yes, I have.

25 **Q.** Over the time that you've worked with Mr. Ruemmler, what

1 Q. Are the questions and the script, is any of that in this  
2 presentation?

3 A. No. I believe this presentation is just the summary  
4 coming out of all of that research.

5 Q. So you were shown this page yesterday. Do you recall,  
6 just from your personal memory, receiving this result when it  
7 came out?

8 A. I do.

9 Q. What was your reaction to seeing this slide when it first  
10 came out?

11 A. This seems great to me. As a person in charge of  
12 Web & App Activity, I read this to mean that users are  
13 understanding the setting correctly, that these participants  
14 understood that when they turned the Web & App Activity setting  
15 off, that data would stop being saved into that Web & App  
16 Activity bucket in their Google Account. And this is, then, a  
17 good foundation where the researcher would move on to then ask  
18 about how the auto delete setting would behave.

19 Q. Yesterday the plaintiffs' lawyer suggested to you that  
20 this slide shows that users are confused. Are you disagreeing  
21 with that?

22 A. I disagree with that, yeah.

23 Q. So can you explain to us why it doesn't say on this slide,  
24 after the word "saved," "to your" -- why doesn't it say "to  
25 your Google Account"?

1 your Google Account.

2 Q. What about when the user turns sWAA off? Then does  
3 Google Analytics data get saved to a user's account?

4 A. No, it does not.

5 Q. Does Google refuse entirely to accept Google Analytics  
6 data in any form when a user turns sWAA off?

7 A. No, it does not.

8 Q. So Google Analytics data can still come to Google. It's  
9 just not saved in the Google Account?

10 A. That's correct. I mean, we couldn't provide app and site  
11 developers the features of Google Analytics if we didn't  
12 collect the analytics. So it wouldn't make any sense to stop  
13 that data from still being used for those essential purposes.

14 Q. And you don't have a concern that that affects user  
15 privacy?

16 A. No. I've never heard about this being a concern until I  
17 heard about this case.

18 Q. Well, you heard about this case when it was filed  
19 five years ago; right?

20 A. That's correct.

21 Q. I think you said yesterday you've been working on this for  
22 years?

23 A. Yes.

24 Q. What did you mean by that?

25 A. I was made, I think, aware of this case fairly early, and

## MONSEES - CROSS / SANTACANA

1 that progressive disclosure spirit, more information to users  
2 who may be confused.

3 Q. Now, you understand, Mr. Monsees, just from your  
4 questioning yesterday, that the plaintiffs' lawyers think that  
5 when a user turns sWAA off, that means Google Analytics should  
6 be disabled from sending any data to Google at all. Do you  
7 understand that?

8 A. Yes, I do.

9 Q. Did Google intend for this control to determine whether  
10 data can be received by Google from Google Analytics in any  
11 form?

12 A. No. That's never been our intent.

13 Q. Can you understand, Mr. Monsees, how a user might be  
14 confused by this description and maybe even come to the same  
15 conclusion as the lawyer who was questioning you yesterday?

16 A. I mean, I think with so many users with different  
17 expectations, they could be; but we have done so much work to  
18 try to make it clear to our users that this is within their  
19 Google Account, this is a control for your experience when  
20 you're signed in with your Google Account, that I really think  
21 we've done our best to make that clear.

22 Q. In the five years since this case was filed, have you  
23 considered making changes to this to add the phrase "in your  
24 Google Account" a few more times, make it -- maybe mention  
25 de-identified data on this page, add more information?

1     **A.**    I mean, just given that this concern has never come up  
2     until I heard about this case and I haven't heard questions  
3     about it again outside of this case, and if we repeated  
4     Google Account any more on this page, it would get a little  
5     overwhelming, we just haven't decided to make those changes. I  
6     just don't think they're necessary.

7     **Q.**    What about just describing -- I mean, have you considered  
8     describing, "We're going to save de-identified data even if you  
9     have WAA off"? Why not put that on the page?

10    **A.**    Well, we do provide links to users to the privacy policy,  
11    and we do tell them about other information Google collects,  
12    and why, is available on Policies@Google.com. So we do  
13    actually try to connect them with more information if that's  
14    what they're looking for.

15    **Q.**    Okay. I'll make sure to pull up -- pull up the privacy  
16    policy.

17            Before we do, though, I want to look at what it says when  
18    a user clicks "Learn more." So, first, let's just pull up --  
19    just so we have the actual exhibit up, let's pull up  
20    Exhibit 84.

21            Mr. Monsees, I believe this was admitted yesterday. When  
22    was this activity controls page in effect at Google?

23    **A.**    I believe the exhibit we're looking at is from 2022.

24    **Q.**    And this case deals with a time period of 2016 to 2024.

25    Did the activity control page -- excuse me.



1     **A.**    No, it has not.

2     **Q.**    Have you ever intended to promise users that if they  
3     turned WAA and sWAA off, that disables not just  
4     personalization, not just data saved in an account, it also  
5     disables the collection of de-identified data?

6     **A.**    No. That was never a goal.

7     **Q.**    Is there any promise on the activity controls page that  
8     you intended to make on behalf of Google to give users the  
9     ability to disable entirely the flow of data to Google,  
10    de-identified or not?

11    **A.**    No. I wouldn't do that. It wouldn't make sense to  
12    operate those products.

13    **Q.**    Now, you've talked a lot about personalization; and  
14    I believe you said that when WAA and sWAA are off,  
15    personalization is disabled.

16           How do we know, how can the jury know that that is  
17    actually enforced internally at Google?

18    **A.**    So internally within Google Systems, any Web & App  
19    Activity data saved in your account, any sWAA data also saved  
20    in your account would be saved against that GAIA ID that we  
21    talked about before. That's that unique ID that represents  
22    someone's Google Account.

23           The data, when these settings are off, cannot be saved  
24    against those IDs. It would violate policies. And so that  
25    data would, therefore, have to be de-identified and, thus,

1 history.

2 Further down it also says "Activity on third-party sites  
3 and apps that use our services," which I believe we looked at  
4 yesterday.

5 Q. And then does that include activity data from  
6 Google Analytics?

7 A. Yes, it does.

8 Q. Okay. Is this the only thing the privacy policy explains  
9 about activity data collection from Google Analytics?

10 A. No. I think if we scroll down, there is another section,  
11 a heading specifically about third-party sites and apps.

12 Q. Before we scroll down, why doesn't Google insert, right  
13 here near the top, "This is going to include Google Analytics  
14 data even when WAA is off, even if it's de-identified"? Why  
15 doesn't it say that?

16 A. Well, I believe the section here is just really explaining  
17 to users generally the types of activity that gets collected  
18 when you're using a great variety of Google products, all those  
19 different bullets above. So it's really just trying to explain  
20 the overview for users at this point.

21 Q. So what if they want to understand better what you mean by  
22 this "Your activity" section?

23 A. Well, the great thing is, as we scroll down this policy,  
24 there are detailed sections that will talk about the types of  
25 activity and tools you can use that are saved in your

**SANTIAGO - DIRECT / LEE**

1 apps, third-party apps, that have a software development kit  
2 which enables Google to take your data from those apps?

3 **A.** Yes, I do remember.

4 **Q.** And do you remember identifying from that list which on  
5 that -- which of the apps on that list that you had on your  
6 phone during the class period?

7 **A.** Yes.

8 **Q.** All right. Let's take a look at a demonstrative slide.

9 (Pause in proceedings.)

10 **MR. LEE:** I've got it now.

11 **BY MR. LEE:**

12 **Q.** Mr. Santiago, what is this slide?

13 **A.** Well, these are my third-party apps that had -- that I had  
14 on my phone that Google told us had their Google SDKs on it.  
15 As it turns out, it was a majority of the apps on my phone, and  
16 basically we found out that Google was collecting my data  
17 across all of these apps even when I had WAA turned off.

18 **Q.** All right. Let's look at some of the apps identified  
19 here. I'll just list a few. Cash App, Discord, eBay,  
20 Facebook, Map My Ride, Twitter, Venmo.

21 Is it now your understanding that Google was taking your  
22 data from each of these apps even when you had WAA off?

23 **A.** It is now, yes.

24 **Q.** Before you joined the lawsuit, did you know that Google  
25 was taking your data from these apps even with WAA off?

1 Q. Did you use all your smartphones or tablets that you've  
2 owned since 2016 at least -- at least on a monthly basis?

3 A. Yeah. I'd use them on a daily basis.

4 Q. And do you understand that the relevant time period in  
5 this case is the 98 months between July 2016 and  
6 September 2024?

7 A. Yes, I understand that.

8 Q. Okay. And during that 98-month period, which -- what is  
9 your best estimate, in terms of the number of months, that you  
10 use one or more of these apps that are listed here?

11 A. I'd say I used them every one of those months.

12 Q. Let's talk about how you manage your privacy settings to  
13 control Google's collection of your app activity. Okay?

14 A. Okay.

15 Q. Have you heard of the privacy control called Web & App  
16 Activity or WAA?

17 A. Yes.

18 Q. We've talked a lot about it here.

19 A. I've seen it quite a bit here.

20 Q. Okay. Who called the WAA button a privacy control?

21 A. That's what Google called it.

22 Q. And did you ever turn the WAA button off?

23 A. Yes.

24 Q. When did you first remember turning the WAA button off?

25 A. I remember in September of 2020, which we also saw

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1 A. That's correct. I spoke about that at my deposition.

2 Q. Yes, you did.

3 A. I left YouTube available for some of the things that  
4 Mr. Monsees spoke about, that I may have searches on my YouTube  
5 available to me.

6 Q. No. Mr. Monsees talked about how, when sWAA is off,  
7 Google needs to be able to continue to count views and  
8 viewership so that they know what's going on with those videos  
9 even though the user has turned it off. That's what he  
10 testified about, sir.

11 You left it on; correct?

12 A. I left YouTube on, yes --

13 Q. Who owns YouTube?

14 A. -- but WAA was turned off.

15 Q. Who owns YouTube?

16 A. Google does.

17 Q. Pardon me?

18 A. Google.

19 Q. Are you aware -- did you look at the YouTube privacy  
20 policy?

21 A. I looked at what was on the Google privacy policy, where  
22 YouTube is one of the options.

23 Q. Yes. Did you look at the YouTube privacy policy?

24 A. I reviewed it, but not as thoroughly as Google's because  
25 Google is owned -- or YouTube is owned by Google.

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1 track of my YouTube searches. They should not be collecting  
2 anything else from any third-party apps.

3 Q. Do you know that the third-party apps who are partners of  
4 Google also interact with YouTube for the same reasons, to  
5 create personal experiences? Do you know that?

6 A. That's great. They have the data from YouTube available,  
7 but third-party apps do not because of WAA turned off.

8 Q. WAA turned off on Google, WAA turned on at YouTube owned  
9 by Google; is that a fair summary and we'll move forward? Yes?

10 A. Yes.

11 Q. All right. Let's talk about how you learned about this  
12 case.

13 You heard about this case in the fall of 2020; correct?

14 A. In September of 2020, yes, late September.

15 Q. Same month you turned off WAA and sWAA for Google, not  
16 YouTube; correct?

17 A. I turned it off on Google. It was a time where this  
18 documentary had just come out, and it was a popular topic of  
19 conversation amongst many circles, social circles, friends,  
20 family. We were talking about how, you know, this  
21 *Social Dilemma* documentary was a concern. So it was a topic of  
22 conversation.

23 Q. I didn't -- if I -- if I asked you about the film or  
24 movie, I apologize.

25 I just simply intended to ask you, and I think I did, you

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1 Q. I'm not asking you about any of them, sir.

2 Okay. And you have not been -- as of the time of your  
3 deposition, you've not been diagnosed with any psychological  
4 disorder as a result of what you say Google does with your  
5 data; correct?

6 A. No.

7 Q. As the time of your deposition, you've not been prescribed  
8 any medications because of what you say Google does about your  
9 data; correct? Is that right?

10 A. Again, I try to take a holistic approach to my health.

11 MR. ATTANASIO: Okay. Let's look at Demonstrative  
12 Slide Number 3 that the plaintiffs put up a few minutes ago, if  
13 we could, Brooklyn.

14 BY MR. ATTANASIO:

15 Q. I'd like to talk to you about the apps you use,  
16 Mr. Santiago.

17 This is a list of apps you use that have the Google  
18 analytics tool. Am I understanding this correctly?

19 A. Yes. The Google SDKs, correct.

20 Q. You have other apps beyond these; yes?

21 A. I -- there's other apps on my phone, but this is  
22 definitely a large majority of them.

23 Q. Okay. That's fine.

24 You downloaded -- you personally downloaded and installed  
25 all of these apps; is that true?

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1     **A.**    Yes, I did.

2     **Q.**    I count 42 apps on this page. Will you take my count on  
3     that?

4     **A.**    Yes, I'll take your word.

5     **Q.**    All right. You are aware, of course, that each of these  
6     apps, all 42, had their own terms of service and privacy  
7     policies; correct?

8     **A.**    Yes, they do.

9     **Q.**    As you sit here, you don't know all of the terms of  
10    service and privacy policies for these 42 apps, of course; is  
11    that fair?

12    **A.**    I don't know them by heart, but I'm sure the ones -- the  
13    apps I frequently use, I've reviewed.

14    **Q.**    You would have reviewed the privacy policies and the terms  
15    of service?

16    **A.**    In the -- in some --

17           **MR. LEE:** Objection, Your Honor. There's a  
18    motion in limine on this.

19           **THE COURT:** Not really, no. Overruled.

20    **BY MR. ATTANASIO:**

21    **Q.**    Go ahead.

22    **A.**    Some of the big apps that I use that are large companies,  
23    again, for example, Target, I may have reviewed, yes.

24    **Q.**    All right. Which other ones would you have reviewed the  
25    terms of service and privacy policies, other than Target?



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1 my best, because I don't.

2 But fantasy football involves having a team that you own.  
3 You can draft players from different teams around the NFL to  
4 create your own team. There's a point-scoring system based on  
5 the players you have on your team, and you compete with other  
6 team owners who do the same thing, usually a group of friends.  
7 Is that fair?

8 A. Yeah, that sounds right.

9 Q. Often there's a cash prize at the end. Everybody  
10 contributes money, and there can be a cash prize at the end  
11 that can be real money; true?

12 A. There can be, yes.

13 Q. How long have you played fantasy football?

14 A. I'd say, I guess, about ten -- ten-ish years.

15 Q. Okay. The sports network ESPN has an app for fantasy  
16 football; yes?

17 A. They do, yes.

18 Q. It's on this screen here under "ESPN Fantasy." Do you see  
19 that?

20 A. Yes.

21 Q. Did you check the terms of service and privacy policy for  
22 the ESPN Fantasy app?

23 A. Yes, I do, and I remember bringing up to my league mates  
24 about switching after I found out that ESPN Fantasy had Google  
25 SDKs.

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1 everywhere, competing with each other, offering to port over  
2 your data from one fantasy app to another fantasy app. You  
3 know that, don't you?

4 **A.** There's also 12 other people in the league that need to be  
5 willing to change. It's not just up to me. And like I said,  
6 let's say we do switch apps. Let's say we go to another  
7 fantasy app in this example. How do we know the other fantasy  
8 app doesn't have a Google SDK as well? It's everything. It's  
9 everywhere. What do you want us to do? Not use our phones?

10 **Q.** I don't see Bleacher Report on this list. That's a  
11 sports-related site, isn't it?

12 **A.** Bleacher Report is a sports-related site. They don't  
13 offer fantasy football.

14 **Q.** Hmm. That's a sport-related app that you have; correct?

15 **A.** I do.

16 **Q.** That advertises alternatives to ESPN Fantasy; correct?

17 **A.** I -- I imagine -- I don't know their advertisers, but they  
18 do not have a fantasy option of their own.

19 **Q.** All right. Well, we're talking about -- let's be clear.  
20 We're talking about fantasy football here. That's what we're  
21 talking about; right?

22 **A.** Sure.

23 **Q.** You used the ESPN Fantasy app before you saw the movie;  
24 correct?

25 **A.** Yes, I'd say so.

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1 Q. After you turned off WAA and sWAA; true?

2 A. Yes, I continued to use it. And, again, I needed to  
3 continue to use it so that we could figure these things out.  
4 If I would have stopped using it, our expert does not find out  
5 where this information is going and what information is being  
6 collected.

7 THE COURT: Just answer his questions. Okay?

8 THE WITNESS: Yes, sir.

9 THE COURT: Don't elaborate. Your counsel can get up  
10 and ask you to elaborate, if they so choose, but stick to the  
11 question.

12 THE WITNESS: Understood.

13 THE COURT: Go ahead. Next question.

14 MR. ATTANASIO: Thank you.

15 BY MR. ATTANASIO:

16 Q. You continued to interact with X, which used to be  
17 Twitter, today; correct?

18 A. Like I said, on and off, yes.

19 Q. You use an app called MapMyRide, M-a-p-M-y-R-i-d-e;  
20 correct?

21 A. Yes, for keeping track of bike rides.

22 Q. It's an app that tracks your bike rides, tracks your  
23 exercise activity; yes?

24 A. Yes, within that app.

25 Q. It's a third-party app that has Google Analytics; correct?

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1 Google Account?

2 **A.** It's talking about a user's Google Account on their  
3 Android phone or tablet.

4 **Q.** Let's talk about the privacy policy then, Mr. Santiago.  
5 You read Google's privacy policy even before you joined  
6 this lawsuit; is that true?

7 **A.** Yes, I did.

8 **Q.** You've actually reviewed Google's privacy policy on  
9 multiple occasions, going back to when you had a Gmail account;  
10 correct?

11 **A.** Back to when I first opened it, yes.

12 **Q.** That's back to 2016; yes?

13 **A.** Yes.

14 **Q.** You even read the updates; is that correct?

15 **A.** I try to review them if I have a moment, when it comes  
16 across, if I'm notified of it.

17 **Q.** You read them; correct?

18 **A.** I try to review them, yes.

19 **Q.** So in the world we live in where many people might scroll  
20 through quickly and then hit "I agree," you're not one of  
21 those? You read the policy, at least for Google; correct?

22 **A.** I try to be more thorough, yes, especially for a big  
23 company like Google.

24 **Q.** You even have gone out -- other than getting an update  
25 from Google, you've taken your own time to go out and search

## SANTACRUZ - REDIRECT / LEE

1 A. Yes.

2 Q. You -- counsel for Google read to you what was said in  
3 opening; right?

4 A. Yes. I have it here.

5 Q. And I think you pointed out -- or did you point out that  
6 Mr. Hur said really both things? He said there are class  
7 representatives that turned it off before or after joining the  
8 lawsuit; right?

9 A. Yes.

10 Q. So if Mr. Hur was saying that you turned it off before  
11 joining the lawsuit, that would be true; fair?

12 A. That would be included, yes.

13 Q. Right. But if he was saying that you turned it off after,  
14 would that be true or untrue?

15 A. That would be untrue.

16 Q. All right. You were asked about apps that you continued  
17 to use after joining the lawsuit. Do you remember?

18 A. Yes.

19 Q. There was ESPN Fantasy, there was Twitter --

20 A. Yes.

21 Q. -- Target?

22 Were there any others? I don't remember.

23 A. There was a few. MapMyRide.

24 Q. A few more.

25 Can you --

1     **A.**    Duolingo.

2     **Q.**    Just to reorient us all, can you explain to the jury why  
3     you had to continue to use those apps after you joined the  
4     lawsuit as a class representative in this case?

5     **A.**    Sure. Well, a few reasons, the first one being that  
6     Google should have to honor its promises to its users and make  
7     a privacy button that actually works. It shouldn't be on us to  
8     just stop using apps and stop using our smartphones in this  
9     digital world that we rely on it to get by every day. It's a  
10    vital part of our modern society.

11           And, secondly, as I mentioned, as a class representative,  
12    it was my responsibility to a hundred million people to  
13    continue to use my apps so that our experts can figure out what  
14    Google was collecting, where it was going, what they're doing  
15    with that.

16           And, finally, for legal reasons, to try to get Google to  
17    change its practices.

18    **Q.**    All right. You mentioned, at the end of the  
19    cross-examination, that you said apps don't give browsing  
20    history to Google. Do you remember that?

21    **A.**    Yes.

22    **Q.**    I just want to know if you remember that.

23    **A.**    I remember his question, yes.

24    **Q.**    Right. And I just want to be very, very clear because he  
25    asked it one way and then he asked it a different way.